IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Contempt Petition No. 49 of 2005

Smt. Chameli Devi
W/o Late Sri Laxmi Narayan Lal
R/o Jha Colony, Pantnagar
Distt. Udham Singh Nagar. ….Applicant

Vs.

Prem Lal Gautam
Vice Chancellor G.B. Pant University
Of Agriculture and Technology Pant Nagar
District – Udham Singh Nagar. ……Respondents

Shri Mangal Singh Chauhan, learned counsel for the applicant.
Shri Rajendra Dobhal, learned counsel for the respondents.

Hon. P.C. Pant, J.

Heard learned counsel for the parties.

This contempt petition, has been moved, complaining willful disobedience of the order dated 27.02.2004, passed in Special Appeal No. 2 of 2004. The operative portion, passed in Special Appeal, reads as under:-

"We find no illegality in the order passed by learned single judge. However, considering the fact of the case, we modify the order of the learned single judge with regard to the interest to the extent that in case the respondent fails to make payment of amount due within a period of one month from the date of receipt of certified copy of this order, the petitioner shall get interest @ 9% per annum.

The special appeal is dismissed accordingly. No order as to costs."

From the record, it appears that earlier also petitioner, moved an application, which was registered in Civil Contempt petition No. 60 of 2004, in which following order was passed:-

"Heard Sri Mangal Singh Chauhan, learned counsel for the applicant and Sri Rajendra Dobhal, learned counsel for the respondent.

Learned counsel for the respondent has submitted that the respondent has prepared two cheques one for Rs. 17,669/- towards the balance of gratuity & revised pension and the other for Rs. 5,912/- towards the interest @ 6%. The said cheques were sent to the State Bank of India Branch-Pantnagar with the direction to deposit the amount in the account number of the applicant/petitioner, but the same could not be deposited because the petitioner has informed the Bank not to accept any cheque to be deposited in her account.

Learned counsel for the respondent is directed to send those cheques to the Bank concerned to deposit the same in the account of the applicant/petitioner. The petitioner has given undertaking that she will accept the same.

In view of the aforesaid facts the respondent has complied with the orders of this Court by preparing the aforesaid cheques and therefore, the Contempt Petition has become infructuous."

The counter affidavit, filed on behalf of the respondents show that the petitioner was allowed family pension at the rate of Rs. 2450.00 + interim relief up to 15.04.2006 and, thereafter w.e.f. 16.04.2006 the family pension was sanctioned to the petitioner at the rate of Rs. 1470.00 + interim relief and the amount of Rs. 2,13,444.00 towards death cum gratuity, vide order dated 22.11.2000, but the petitioner, despite of several reminders, did not complete the necessary formalities and did also not accept the said amount from the authority

concerned. It is further stated in para- 10 of the counter affidavit that the University authorities tried to deposit the amount of pensionary benefits in the account of petitioner, but on account of instructions, issued by the petitioner to the bank authorities, the bank did not accept the amount, tendered on behalf of University. It is also clarified in the counter affidavit that the petitioner had given written consent for payment of pensionary benefits on the basis of pay scale sanctioned by the State Government.

In view of the above facts and circumstances of the case, there is no wilful disobedience on the part of the respondents. Therefore, the contempt petition is dismissed.

(Prafulla C. Pant, J.)

Dt. 25.07.2005

Sweta